

REMARKS

Upon entry of the amendments in this paper, claims 1 and 3-10 will be pending in the above-identified application. Claims 1 and 3-8 are herein amended. Claims 9 and 10 are herein added. No new matter is entered. It is respectfully submitted that this paper is fully responsive to the Office action mailed on May 11, 2009.

As a preliminary matter, applicants note that the examiner has found the arguments filed on January 21, 2009 to be persuasive, but the examiner made the rejection issued on May 11, 2009, final. Applicants placed a brief phone call to the examiner on June 15, 2009 to attempt to discover why the rejection was made final.

The examiner informed applicants that it was believed that the scope of the claims had changed by incorporating claim 2 into claim 1. In other words, the dependent claims 3-8 now depend on claims 1+2 instead of just claim 1. However, claims 3-8 were all multiple dependent claims depending on either claim 1 or claim 1+2. Thus, because claims 3-8 all depended on claims 1+2, the scope of the claims has not been changed by amending dependent claim 2 into independent claim 1.

Applicants filed a Request to Withdraw Finality of the Office Action, on June 15, 2009. Further to that request, applicants submit that the present claims amendments should be entered and examined as the office action mailed on May 11, 2009 should be a non-final rejection.

Specification

The specification stands objected to for failing to provide proper antecedent basis for the claimed subject matter. The Remarks made by the applicant were not persuasive in linking the functions of the means plus function limitations of claim 1 to the corresponding structures performing the functions. The applicants have allegedly not pointed to specific structure and identified where that structure is identified in the application as originally filed.

Applicants have amended the claims to remove them from a means plus function format. As such, applicants respectfully ask that the objection be withdrawn.

Claim Rejections – 35 U.S.C. §112

Claims 1 and 3-8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection of the claims under 35 U.S.C. § 112 second paragraph is closely related to the objection with the specification. As such, in light of the amendments to claims 1 and 3-8, applicants respectfully submit that the rejection is rendered moot, and ask that the rejection be withdrawn.

On the Merits

Claim Rejections - 35 U.S.C. §103(a)

Claims 1 and 3-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,076,952 to *Gretta, Jr.* in view of *Shoji et al.* (Fieldbus System Engineering, 1999). Applicants respectfully traverse this rejection.

Independent Claim 1:

Independent claim 1 recites:

A data display unit for use with field devices, comprising:

¹data acquisition means for reading data from field devices connected to a fieldbus;

²description means for writing data read by said data acquisition means to definition files according to a predetermined format to create definition files that define the way the data of said field devices is displayed;

³generation means for interpreting said definition files wherein data is written to generate display data; and

⁴display means for displaying said generated display data on a personal computer on a network,

⁵wherein said definition files are provided on a field device basis.

Regarding independent claim 1, the examiner acknowledges that element 5, as recited above, is not disclosed or fairly suggested in *Gretta*. Instead, the examiner contends that this feature is disclosed by *Shoji* (i.e. *Fieldbus System Engineering*). Specifically, the examiner

contends that this feature is disclosed on page 23, column 2, in the section entitled *Engineering of DCS*.

Applicants submit that DCS stands for “Digital Control System,” and may be used in conjunction with a fieldbus, but a DCS does not have to be used with a fieldbus. The passage recites that:

During this loading process, the builder program reads the fieldbus information and sets the necessary information in the ACF11 file in the project database.

The examiner may contend that setting the necessary information in the ACF11 file discloses the claimed feature of having a definition file on a field device basis; in other words, having a definition file for each field device.

In the second column of page 22, *Shoji* further discusses an ACF11:

The CENTUM CS ... system is prepared with an I/O module (ACF11) referred to as the host interface device for connecting a fieldbus system to a DCS [digital control system]. The ACF11 acts as a fieldbus device having the link master function (see Figure 4).

Thus the ACF11 appears to be an I/O module used to connect a fieldbus to a DCS. Figure 4 of *Shoji* also appears to show this feature. That is, an ACF11 appears to connect a RIO bus [remote input/output] to an H1 fieldbus. This feature does not disclose or fairly suggest

feature 5 of independent claim 1, “wherein said definition files are provided on a field device basis.”

Thus, as indicated above, *Shoji* does not disclose or fairly suggest the feature wherein said definition files are provided on a field device basis. As such, applicants respectfully ask that the rejection to claim 1 be withdrawn and the application allowed.

Independent Claim 9 (New):

Applicants have added independent claim 9 which includes the feature wherein diagnostic data is read from the field devices. Support for this amendment could be found for example in the first paragraph on page 9.

The examiner may consider this feature to be disclosed in column 10, lines 8-16 of *Gretta*. Here *Gretta* discloses:

Thus in step 304 the fieldbus configuration utility scans the fieldbus network for all of the devices connected to the fieldbus network and the function blocks within the devices. The configuration utility preferably automatically reads all devices and blocks from the network.

However, applicants respectfully submit that this disclosure does not disclose the feature of claim 9. The above cited passage is directed at setting up and configuring the network, rather than reading the data that the network gathers. As such, the feature of acquiring diagnostic data

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is novel and non-obvious with respect to the cited references as *Gretta* only appears to gather the configuration of the respective devices, no read the diagnostic parameter data from the field devices connected to the fieldbus

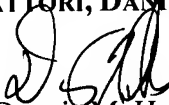
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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